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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Emmert-Buck *et al.*

**Application No.** 10/511,511

**Filed:** October 15, 2004

**Confirmation No.**

**For:** DIRECT CELL TARGET ANALYSIS

**Examiner:**

**Art Unit:** 1641

**Attorney Reference No.** 4239-64816-02

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ALEXANDRIA, VA 22313-1450

## CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP PETITION, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney or Agent  
for Applicant(s)

Tanya M. Harding, Ph.D.

Date Mailed May 11, 2005

**PETITION TO CORRECT DATE ON FILING RECEIPT AND NOTICE OF  
ACCEPTANCE OF APPLICATION**

Applicants received an official Filing Receipt and Notice of Acceptance of Application for the application referenced above, copies of which (with requested correction shown in red ink) are attached as Exhibit A. The following error appears on both documents: The filing date of 10/14/2004 should be 10/15/2004.

Please correct the *Date of Receipt* of 35 U.S.C. §§ 371(c)(1), (c)(2), (c)(4) and *All* 35 U.S.C. Requirements to **October 15, 2004**. Attached is a copy of the Transmittal Letter filed with the present application, showing that the application was mailed via Express Mail No. EV352377144US on October 15, 2004 (Exhibit B). Also attached is a copy of a shipment tracking printout form the United States Postal Service (USPS) showing that Express Mail No. EV352377144US was accepted and *en route* by the USPS on October 15, 2004 (Exhibit C).

It is believed that this error arose because the Post Office Express Mail receipt was incorrectly dated October 14, 2004, by a postal service handler. The requested correction of the filing date will not affect Applicants' entitlement to the April 25, 2003, priority date of the parent PCT patent application.

By this Petition, Applicants request that the United States Patent and Trademark Office (USPTO) issue a corrected Filing Receipt and Notice of Acceptance of Application. A petition fee of \$130 (37 CFR § 1.17(h)) is enclosed.

If any matters remain, please telephone the undersigned.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Tanya M. Harding, Ph.D.  
Registration No. 42,630

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UNITED STATES PATENT AND TRADEMARK OFFICE

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Page 1 of 2  
NIH/Tm/H/mms

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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
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APPL NO.	FILING OR 371 (C) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/511,511	10/14/2004	1641	934	4239-64816-02	5	27	1

36218

KLARQUIST SPARKMAN, LLP  
121 S.W. SALMON STREET, SUITE #1600  
ONE WORLD TRADE CENTER  
PORTLAND, OR 97204-2988

10/15/04

CONFIRMATION NO. 4331

FILING RECEIPT



OC000000015879349\*

SEARCHED & MONITORED

Date Mailed: 04/28/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Michael R. Emmert-Buck, Silver Springs, MD;  
Mamoun Ahram, Kennewick, WA;

**Power of Attorney:** The patent practitioners associated with Customer Number 36218.

**Domestic Priority data as claimed by applicant**

This application is a 371 of PCT/US03/12734 04/25/2003  
which claims benefit of 60/375,727 04/26/2002

**Foreign Applications**

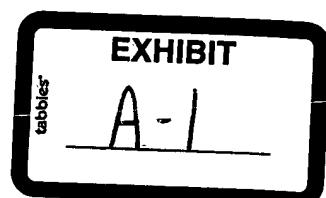
**Projected Publication Date:** 08/04/2005

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Direct cell target analysis





**UNITED STATES PATENT AND TRADEMARK OFFICE**

A circular stamp with the letters "O I P E" at the top and "JC1124" at the bottom. The center contains the date "MAY 13 2005".

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)**

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,511	Michael R. Emmert-Buck	4239-64816-02

36218  
KLARQUIST SPARKMAN, LLP  
121 S.W. SALMON STREET, SUITE #1600  
ONE WORLD TRADE CENTER  
PORTLAND, OR 97204-2988

**INTERNATIONAL APPLICATION NO.**

PCT/US03/12734

I.A. FILING DATE	PRIORITY DATE
04/25/2003	04/26/2002

**CONFIRMATION NO. 4331**



\*OC000000015879350\*

Date Mailed: 04/28/2005

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

, 10/15/04

10/14/2004

10/15/04

10/14/2004

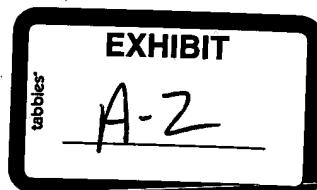
**DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS**

**DATE OF COMPLETION OF ALL 35 U.S.C. 371  
REQUIREMENTS**

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

**The following items have been received:**

- Copy of the International Application filed on 10/14/2004
- Copy of the International Search Report filed on 10/14/2004
- Preliminary Amendments filed on 10/14/2004
- Oath or Declaration filed on 10/14/2004
- Request for Immediate Examination filed on 10/14/2004
- U.S. Basic National Fees filed on 10/14/2004
- Assignment filed on 10/14/2004
- Priority Documents filed on 10/14/2004



FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEYS DOCKET NUMBER <b>4239-64816-02</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. § 371</b>		U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5)
INTERNATIONAL APPLICATION NO. <b>PCT/US03/12734</b>	INTERNATIONAL FILING DATE <b>April 25, 2003</b>	PRIORITY DATE CLAIMED <b>April 26, 2002</b>
TITLE OF INVENTION <b>DIRECT CELL TARGET ANALYSIS</b>		
APPLICANT(S) FOR DO/EO/US <b>Michael R. Emmert-Buck and Mamoun Ahram</b>		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. § 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. § 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1).</li> <li>4. <input checked="" type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19<sup>th</sup> month from the earliest claimed priority date.</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. § 371(c)(2)) <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> has been transmitted by the International Bureau.</li> <li>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </li> <li>6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. § 371(c)(2)).</li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau).</li> <li>b. <input type="checkbox"/> have been transmitted by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> A signed copy of a Declaration of Inventorship (Rules 4.17(iv) and 51bis.1(a)(iv)) (35 U.S.C. § 371(c)(4)).</li> <li>10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).</li> </ol> <p><b>Items 11. to 16. below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98 and Form 1449</li> <li>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31, and the Recordal fee of \$40.00, are included.</li> <li>13. <input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment, including an Abstract on a separate page. <ul style="list-style-type: none"> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> </ul> </li> <li>14. <input type="checkbox"/> A substitute specification.</li> <li>15. <input checked="" type="checkbox"/> A Power of Attorney by Assignee (with attached copy of the Assignment).</li> <li>16. <input checked="" type="checkbox"/> Other items or information: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> International Search Report.</li> </ul> </li> </ol>		
<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>EXHIBIT</b>  <i>B-1</i> </div>		

U.S. APPLICATION NO. (if known, see 37 C.F.R. § 1.5)	INTERNATIONAL APPLICATION NO. PCT/US03/12734	ATTORNEY'S DOCKET NUMBER 4239-64816-02
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS (PTO USE ONLY)
<b>BASIC NATIONAL FEE (37 C.F.R. §§ 1.492(a)(1)-(5)):</b>		
Neither International Preliminary Examination fee (37 C.F.R. § 1.482) nor International Search fee (37 C.F.R. § 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1,080.00		
International Preliminary Examination fee (37 C.F.R. § 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$920.00		
International Preliminary Examination fee (37 C.F.R. § 1.482) not paid to USPTO but International Search fee (37 C.F.R. § 1.445(a)(2)) paid to USPTO as an International Searching Authority ..... \$770.00		
International Preliminary Examination fee paid to USPTO (37 C.F.R. § 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$730.00		
International Preliminary Examination fee paid to USPTO (37 C.F.R. § 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$100.00		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b> \$ 730.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(e)). \$		
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	28 - 20 =	8
Independent Claims	1 - 3 =	0
<b>MULTIPLE DEPENDENT CLAIM(S) (if applicable)</b> + \$290.00 \$		
<b>TOTAL OF ABOVE CALCULATIONS =</b> \$ 874.00		
<input type="checkbox"/> Reduction of 1/2 for filing by small entity. Small entity status is claimed for this application. \$		
<b>SUBTOTAL =</b> \$ 874.00		
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 Months from the earliest claimed priority date (37 C.F.R. § 1.492(f)). + \$		
<b>TOTAL NATIONAL FEE =</b> \$ 874.00		
Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property. + \$ 40.00		
<b>TOTAL FEES ENCLOSED =</b> \$ 914.00		
REFUND → \$		
CHARGE → \$		

a.  A check in the amount of \$ 914.00 to cover the above fees is enclosed.

b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c.  The Director is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 02-4550. A duplicate copy of this sheet is enclosed.

d.  Please return the enclosed postcard to confirm that the items listed above have been received.

**NOTE:** Where an appropriate time limit under 37 C.F.R. § 1.494 or § 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO THE ADDRESS ASSOCIATED WITH  
**CUSTOMER NUMBER 36218**

KLARQUIST SPARKMAN, LLP  
One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, OR 97204-2988

SIGNATURE  
Tanya M. Harding, Ph.D.  
NAME

42,630  
REGISTRATION NUMBER

**EXHIBIT**

cc: Docketing

B-2



## Track & Confirm

### Shipment Details

You entered EV35 2377 144U S

Your item was delivered at 8:52 am on October 18, 2004 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by M BOSTON. Detailed shipping information has been restored from files offline.

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- ARRIVAL AT PICK-UP-POINT, October 17, 2004, 7:16 am, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, October 17, 2004, 6:59 am, DULLES, VA 20102
- ENROUTE, October 16, 2004, 7:01 pm, DULLES, VA 20102
- ENROUTE, October 15, 2004, 6:48 pm, PORTLAND, OR 97238
- ACCEPTANCE, October 15, 2004, 4:38 pm, PORTLAND, OR 97205

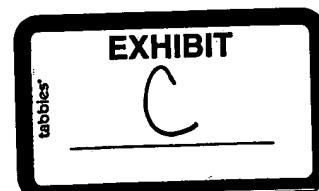
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TMH:dv 05/10/05 4239-64816-02 E-100-2001/0-US-03

PATENT  
Attorney Reference Number 4239-64816-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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**Examiner:**

**Art Unit:** 1641

**Attorney Reference No.** 4239-64816-02

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Attorney or Agent  
for Applicant(s)

Tanya M. Harding, Ph.D.

Date Mailed May 11, 2005

MAIL STOP PETITION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**TRANSMITTAL LETTER**

Enclosed for filing in the application referenced above are the following:

- Petition to Correct Date on Filing Receipt and Notice of Acceptance of Application
  - Exhibits A-C
- A check in the amount of \$130 to cover the petition fee under 37 CFR §1.17(h).

The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed. Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Tanya M. Harding, Ph.D.  
Registration No. 42,630

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cc: Docketing